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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,104	11/15/2000	Eiichi Sato	B422-143	9652

26272 7590 02/07/2005

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EXAMINER

MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,104

Applicant(s)

SATO, EIICHI

Examiner

Aravind K Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) 3,7 and 11-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 2, 4-6 and 8-10 are pending in the application.
2. Claims 1, 2, 4-6 and 8-10 have been rejected.
3. Claims 3, 7 and 11-20 have been cancelled.

Response to Amendment

4. The examiner approves the applicant's new title. The new title is descriptive of the invention.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 2, 4-6 and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 2, 4-6, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Morar et al U.S. Patent No. 6,678,822 B1.

As to claims 1, 9 and 10, Morar et al discloses a communication apparatus for transferring data received from a first network to a second network, the apparatus comprising:

discrimination means for discriminating if the received data is confidential data [column 5 line 57 to column 6 line 15]; and

control means for controlling to alter a method of providing the received data [column 6, lines 34-63].

As to claim 2, Morar et al discloses that the control means controls to encrypt the received data and transfer the encrypted data attached with E-mail to the terminal [column 12, lines 31-46].

As to claim 4, Morar et al discloses that the control means controls to transfer the received data attached with E-mail to the terminal [column 12, lines 31-46].

As to claim 5, Morar et al discloses that the control means controls to store the received data in a predetermined memory, and transfer information to be used for access to the stored received data attached with E-mail to the terminal [column 12, lines 31-46].

As to claim 6, Morar et al discloses a communication apparatus comprising:

management means for managing encryption information correlated to the terminal [column 7, lines 40-61]; and

discrimination means for discriminating if the encryption information correlated with the terminal which is a destination of the received data is managed by the management means [column 7, lines 40-61],

wherein the control means controls a method of providing the received data in accordance with the discrimination results [column 7 line 63 to column 8 line 24].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morar et al U.S. Patent No. 6,678,822 B1 as applied to claim 1 above, and further in view of Perlman U.S. Patent No. 6,363,480 B1.

As to claim 8, Morar et al does not teach management means for managing the encryption information and an effective period of the encryption information correlated with the terminal. Morar et al does not teach discrimination means for discriminating the effective period of the encryption information and if the encryption information correlated with the terminal which is a destination of the received data is managed by the management means. Morar et al does not teach that the control means controls a method of providing the received data in accordance with the discrimination results.

Perlman teaches management means for managing the encryption information and an effective period of the encryption information correlated with the terminal [column 6 line 58 to column 7 line 8]. Perlman teaches discrimination means for discriminating the effective period of the encryption information and if the encryption information correlated with the terminal

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which is a destination of the received data is managed by the management means [column 6 line 58 to column 7 line 8]. Perlman teaches that the control means controls a method of providing the received data in accordance with the discrimination results [column 6 line 58 to column 7 line 8].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Morar et al so that the destination information in the header would have included encryption information corresponding to the destination was within an effective period. The management system would have determined if the encrypted information correlates with the effective period and if the encrypted information was received by the appropriate destination. The means of providing the information would have been in accordance with the determination of the effective period.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Morar et al by the teaching of Perlman, as described above, because it permits selection of an appropriate decryptability lifetime for specific units of data, such as electronic mail messages. Further, where one or more third party ephemeralizer systems are used to provide ephemeral keys to encrypt a message, such third party ephemeralizers may be employed to destroy the ephemeral keys at their expiration times, without burdening the communicating parties with this responsibility [column 4, lines 18-27].

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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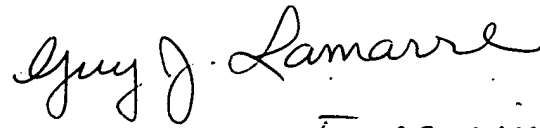
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy 
January 24, 2005


Primary Examiner